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RULES AND ORDERS,

CONTAINED IN THE

DEED of SETTLEMENT

Bristol OF *K*
The Royal Universal Tontine:

COMMENCING

DECEMBER the 26th, 1791;

AND TO DETERMINE

The 25th of DECEMBER, 1798.

B R I S T O L:

PRINTED BY J. RUDHALL, IN SMALL STREET,

FOR

REED AND WHITCHURCH,

SECRETARIES.

NEW YORK

RULES AND ORDERS

DEED OF SETTLEMENT

The Royal



DECEMBER

The 25th of DECEMBER, 1792

PRINTED BY J. JOHNSON, IN ST. PAUL'S CHURCH-YARD

BY R. AND W. WHITCOMB

TONTINE SOCIETY.

This Indenture, Of Four Parts, made at nine o'clock in the morning, of this Twenty-sixth day of December, and the Thirty-second year of the reign of our sovereign Lord GEORGE the THIRD, by the grace of God, of Great-Britain, France, and Ireland, King, Defender of the Faith, and so forth, and in the year of our LORD One Thousand Seven Hundred and Ninety-one, between

WILLIAM PRICE, Builder; RICHARD PRIOR, Woollen-Draper; both of the City of BATH;

ROBERT COLEMAN, Esq. JOSEPH ESMAND, Stationer; JOHN REED, Accomptant; BENJAMIN BICKLEY, Ironmonger; JOHN PARRY, Tinsplate-worker; and JAMES GUNDRY, Gent. all of the City of BRISTOL;

Together with sundry other persons; all of whose names and seals are hereunto subscribed and affixed, of the First part:

**The Right Honourable THOMAS HARLEY,
DONALD CAMERON and CHARLES CAMERON, Esqrs.
Of the city of London, Bankers and Copartners,
of the Second part:**

Sir

Sir RICHARD HILL, of HAWKESTONE, in the County of
SALOP, Baronet ;
Sir JOHN DAVIE, of CREEDY, in the County of DEVON,
Baronet ;
JAMES BULLER, of DOWNS, in the County of DEVON,
Esquire ;
HENRY THORNTON, of CLAPHAM, in the County of
SURRY, Esquire ;
FRANCIS ANNESLEY, of READING, in the County of
BERKS, Esquire ;
JOHN PITT, of the City of GLOUCESTER, and County of
the same City, Esquire ;
JOHN WILKINSON, of BROSELEY, in the County of
SALOP, Esquire ;
JOHN ROGERS, of PENROSE, in the County of CORN-
WALL, Esquire ;
THOMAS HARBEN, of LEWES, in the County of SUSSEX,
Esquire ;
WILLIAM GIBBONS and ROBERT CASTLE, both of
the City of BRISTOL, Esquires ;
JOHN JONES, Junior, of WOOLLY, in the County of
WILTS, Esquire ;
EDWARD WILMOT, RICHARD ATTWOOD, and
WILLIAM ABRAHAM, all of the City of BATH,
Esquires ;
HENRY KNIGHT, of the City of BATH, Druggist ;
WILLIAM GRACE, of BATH-EASTON, in the County of
SOMERSET, Clothier ; And
WILLIAM PRICE, of DEVIZES, in the County of WILTS,
Clothier ;

Of the Third part :

And WILLIAM BESLY REED, of the City of BRISTOL,
Accomptant ; And
SAMUEL WHITCHURCH, of the City of BATH, Iron-
monger ;

Of the Fourth part.

INTRODUCTION.

Whereas it appears, upon mature consideration, that it may tend to the advantage and accommodation of great numbers of persons, in various situations of life, and particular circumstances of fortune, residing in different parts of this kingdom, if a new association was formed and established, for the benefit and advantage of such of the Members thereof as shall survive the full end and term of seven years, the several before-named parties, with all others, whose names and seals are hereunto subscribed and affixed, have come to a resolution and agreement, to form themselves into a Society or Company, for the joint and mutual benefit, profit, and advantage of such of the Members thereof as shall survive the full end and term of seven years, to be computed from the date hereof, at the joint and mutual expence, risque, and hazard of such the several parties hereto,

hereto, as are or may become Members thereof, in such shares or proportions, and in such manner, as are herein-after specified. And the said parties hereto, have, for the better forming, fixing, and establishing the said Society, or joint undertaking, proposed and agreed to enter into such reciprocal covenants as are herein-after contained. ~~Now therefore this~~ *Indenture witnesseth*, that in further pursuance of the said agreement, and for the several considerations and purposes herein before expressed, or herein-after mentioned, and for divers other good and valuable causes and considerations, each of them, the said parties hereunto respectively moving; they, the said *William Price, Richard Prior, Robert Coleman, John Reed, Joseph Esmand, Benjamin Bickley, John Parry, and James Gundry*, together with sundry other persons, all of whose names and seals are hereunto subscribed and affixed, on their part.—The Right Hon. *Thomas Harley, Donald Cameron, and Charles Cameron*, Esqrs. on their part.—Sir *Richard Hill*, Bart. Sir *John Davie*, Bart. *James Buller, Henry Thornton, Francis Annesley, John Pitt, John Wilkinson, John Rogers, Thomas Harben, William Gibbons, Robert Castle, John Jones,*
Edward

Edward Wilmot, Richard Attwood, William Abraham, Henry Knight, William Grace, and William Price, on their part.——And William Bessy Reed, and Samuel Whitchurch, on their part,——Have covenanted, granted, promised, concluded, and agreed: And by these presents each of them doth, for himself only, (except as may be hereinafter particularly specified) covenant, promise, grant, conclude, and agree to and with the others, and other of them, that they, the said parties, shall and will, from the day of the date of these presents, become, remain, and continue, a Society or Company, for the joint and mutual benefit, profit, and advantage of such of the Members thereof as shall survive the full end and term of seven years, to be computed from the date of these presents, in such manner, and upon such considerations, as are herein-after particularly mentioned.

And for the better government, regulation, carrying on, and conducting of the said Society, or joint undertaking, and the more effectually managing and transacting the affairs and business thereof, and all matters incident

cident and appertaining thereto, for the benefit and advantage of the said parties, it is further mutually covenanted, concluded, and agreed upon, by and between all and every the parties to these presents, and each of them, for themselves severally, do hereby covenant, promise, undertake, and agree to observe, perform, abide by, conform to, fulfil, and keep all and singular the articles, clauses, provisoes, powers, conditions, laws, constitutions, ordinances, regulations, and agreements, hereinafter respectively mentioned, inserted, and contained, as far as the same shall, by these presents, relate or belong to, or in any wise concern, each or all of the several parties hereto. That is to say:

And for the better government, regulation, carrying on, and conducting of the said **FIRST.** effectually managing and transacting the affairs and business thereof, and the matters in-

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THAT the said Society or Company, intended to be hereby formed and established, for the several purposes aforesaid, or hereinafter contained, shall be called or known by the name, stile, or title, of

The Royal Universal Tontine.

II.

That the number of the Members of this Society shall, for the present, be indefinite and unlimited; and that all persons, of any age or sex, may be admitted as members thereof, and as parties to these presents, for and during the space of one year from the date hereof: And the said Society shall also be subject to a further addition of Members, if the Committee, herein-after to be appointed, shall, in their discretion, determine it to be for the interest of the said Society, and not otherwise; provided always, that no Members are, may or shall, on any account, be admitted after the 25th day of March, 1793.

III.

That the said Right Hon. THOMAS HARLEY, DONALD CAMERON and CHARLES CAMERON, Esquires, parties hereto, shall be the joint Treasurers of the said Society, for the several purposes herein-after expressed.

IV. That the said

Sir RICH. HILL, Bart.	WM. GIBBONS,
Sir JOHN DAVIE, Bart.	ROBERT CASTLE,
JAMES BULLER,	JOHN JONES,
HENRY THORNTON,	EDWARD WILMOT,
FRANCIS ANNESLEY,	RICH. ATWOOD,
JOHN PITT,	WM. ABRAHAM,
JOHN WILKINSON,	HENRY KNIGHT,
JOHN ROGERS,	WM. GRACE, and
THOMAS HARBEN,	WILLIAM PRICE,

Parties hereto, shall be Trustees of the said Society, for the purposes herein-after mentioned.

V.

That the said WILLIAM BESLY REED and SAMUEL WHITCHURCH, parties hereto, shall be joint Secretaries of the said Society, and shall be entitled to, and shall have, receive, retain, and possess all the emoluments, profits, and advantages; and shall also be subject and liable to and sustain all the expences appertaining to the said office, that are hereinafter specified, mentioned or contained.

VI.

VI.

That the capital stock and fund of the said Society shall consist of the subscriptions hereinafter appointed to be made by each of the Members thereof, together with certain fines and forfeitures of the said Members, as they are herein-after specified and ordained; and that all the said subscriptions and fines shall be paid into the hands of the Secretaries, or of the Agents herein-after allowed of, or directed to be appointed.

VII.

That the first of the said subscriptions shall be made on, or to commence from, the 25th day of March, 1792; and that the said subscription shall be Six Shillings and Six-pence; and that the like sum of Six Shillings and Six-pence shall be paid by each Member, for every share such Member shall subscribe for, purchase, or possess, every three calendar months, during the continuance of the said Society, if he or she so long shall live: That is to say, the second subscription shall be made on the 24th day of June, 1792; the third on the 29th day of September, 1792; the fourth on the 25th day of December, 1792; and so on till the 25th of December,

1798; which shall be the day of payment for the last quarterly subscription, making in all twenty-eight quarterly subscriptions of Six Shillings and Six-pence each.

VIII.

That every Member paying Six Shillings and Six-pence per quarter, as aforesaid, shall hold and be entitled to, one equal share in the capital stock of the said Society, and in all the profits and advantages thereof, as herein-after expressed.

IX.

That every Member of the said Society may subscribe for, hold, and be entitled to, any number of such equal shares, as he or she may think proper.

X.

That every person, so becoming a Member, may and shall have full and free liberty, to nominate either his or her own life, or that of any other person, for any such share or shares, and that the chance of distribution, herein-after mentioned, shall entirely depend on the life so nominated, and on no other.

XI.

That every person, who shall be admitted or become a Member, from and after the

25th day of March, 1792, and before the 25th of December, in the same year, shall, in addition to the aforesaid quarterly subscription, pay a fine of Six-pence for every calendar month that such Member shall have delayed to apply for admission as a Member of the said Society, from and after the said 25th day of March; that is to say,

	£.	s.	d.
From March 25, to April 25, 1792,	0	0	6
From April 25, to May 25,.....	0	1	0
From May 25, to June 25,.....	0	1	6
From June 25, to July 25,.....	0	2	0
From July 25, to Aug. 25,.....	0	2	6
From Aug. 25, to Sept. 25,.....	0	3	0
From Sept. 25, to Oct. 25,.....	0	3	6
From Oct. 25, to Nov. 25,.....	0	4	0
From Nov. 25, to Dec. 25,.....	0	4	6

But these fines shall not be increased, on account of any number of shares such Member shall subscribe for.

XII.

That if the Committee shall, in their discretion, as aforesaid, determine to admit any persons Members of the said Society, after the 25th of December, 1792, and before the 25th of March, 1793, then every such Member shall, in addition to his or her subscription, and also in addition to the fine or fines, before

before directed, pay a further fine of One Shilling for every calendar month that he or she shall so have delayed to apply for admission, as a Member of the said Society; that is to say, every person admitted as a Member, between the 25th of December, 1792, and the 25th of January, 1793, shall pay in all, as fines, on their admission, Five Shillings and Six-pence: Those admitted between the 25th of January and the 25th of February, shall pay Six Shillings and Six-pence: And those admitted between the 25th of February and the 25th of March, shall pay Seven Shillings and Six-pence.

XIII.

That all monies arising from the aforesaid fines, on admission, shall go, be added to, and constitute a part of the capital stock of the said Society.

XIV.

That the Secretaries, or one of the Agents of this Society, herein-after allowed, or directed to be appointed, shall grant and deliver to each Member, at the time of admission, a certificate of such admission, under their or his hand; and for which certificate such Member shall pay to the said Secretaries, or Agent,

Agent, for their or his own use Three-pence: And further, that each Member at the time of admission, shall also pay Three-pence to the said Secretaries, or Agent, in order to defray all the expences attending this and every other deed or legal instrument, which may or shall be necessary for the Secretaries or Agents to provide.

XV.

That each Member, upon paying his or her quarterly subscription, shall either produce such certificate to the Secretaries, or Agent, or relate the number thereof, otherwise such Member shall pay to the Secretaries, or Agent, One Penny for searching the books; and that all Members having occasion to write, either to the Secretaries or Agent, shall pay the postage of their letters.

XVI.

That for the more orderly and effectual management of this undertaking, and the affairs of the said Society, there shall, during the continuance of the said Society, be Twenty-one of the Members thereof, who shall be a Committee, for the purposes aforesaid, and also for the purposes of inspecting all the concerns, transactions, and management of the

the said Society, and of all and every of its affairs, and for all other purposes that shall or may relate to the interest and well being of the said Society; and that eleven or more of the said Members assembling, as hereinafter directed, shall and may act as a Committee, in all cases, except in those cases only that are particularly specified.

XVII.

That a meeting of all the Members of the said Society, residing in or near the city of Bristol, or of so many of them as may choose to attend, shall be held on the 25th of February, 1792, at the RUMMER-TAVERN, in the said city, for the purpose of electing and choosing a Committee, as aforesaid; and that the Committee, so elected, chosen, constituted, and appointed, shall be a Committee for the purposes aforesaid, and shall continue in their several and respective offices from the date of these presents, until other fit and proper persons shall be duly chosen in their several and respective rooms, at the times and in the manner herein-after in that behalf particularly directed and appointed. And that the Secretaries shall give timely notice of such meeting to all the Members as aforesaid.

XVIII.

XVIII.

That the said Committee, so elected and chosen, shall, on the sixth Monday ensuing the 25th of March, 1793, assemble (in the place appropriated to, and generally used for that purpose) and then and there proceed to elect, by votes, from and out of the Members of the said Society, twenty-one gentlemen, or reputable tradesmen, whereof seven at the least shall not be members of the said first Committee; and the said persons, so duly elected, are hereby appointed and declared to be a Committee, for one year ensuing the date of such election, or until a new Committee shall be duly chosen and elected.

XIX.

That upon the sixth Monday, ensuing the 25th of March, 1794, the Committee then serving, shall assemble as aforesaid, and then and there proceed to elect a new Committee, for the year ensuing; and, that upon the sixth Monday ensuing the 25th of March, in every following year, the Committee, for the time being, shall assemble and proceed, in like manner, to elect a new Committee, for all the purposes aforesaid.

XX.

That the Committee, which shall be elected, or lawfully be or act as a Committee, on or after the 25th of March, 1798, or lawfully be or act as a Committee, at the expiration of the aforesaid term of seven years, from the date hereof, shall continue their office and functions in like manner, and are hereby fully appointed and authorised so to do, until the capital stock of this Society, together with all its accumulations and profits, shall be appointed, shared, appropriated and divided among, and paid to the surviving Members of the said Society, and until all the business of the said Society, and the purposes for which it is appointed, are fully completed and accomplished.

XXI.

That if any Members of the Committee, for the time being, shall happen to die during the continuance of their office, or shall act contrary to their trust, in the said office, and it shall be so declared by the rest of the Committee, for the time being, or shall refuse to act in or take upon themselves the execution of their said office, for the space of three months, then the remaining Members shall proceed,

proceed, in like manner, to elect from and out of the Members of the said Society, some other reputable persons, in the place of those so dying, acting contrary to their trusts, or refusing or neglecting to act; and the said persons, so chosen, shall continue of the number of the Committee of the said Society until others shall be duly chosen, at the next general election of a Committee.

XXII.

That if any person, being duly elected a Member of the Committee and being resident within the city of Bristol, or one mile thereof, shall refuse to serve thereon, without reasonable cause, he shall pay Ten Shillings and Six-pence, as a fine, to the said Society.

XXIII.

That the Committee, for the time being, shall assemble at the RUMMER TAVERN aforesaid; and that the time of their meeting shall be on every sixth Monday ensuing the 25th of December, the 25th of March, the 24th of June, and the 29th of September, in every year, at Six o'clock in the evening, or at such other hour, as the majority of them, at any of their said meetings, shall appoint.

XXIV.

ROYAL UNIVERSAL

XXIV.

That, besides the aforesaid quarterly meetings of the Committee, any three of the Trustees, or the Secretaries only, may convene an extraordinary meeting, whenever the interests of the Society may appear to them to render such meeting necessary; and that each of the Members of the Committee shall have at least two clear days' notice, in writing, of such intended meeting, given him by the Secretaries, or left at his usual place of abode.

XXV.

That if any Member of the Committee shall neglect to attend any meeting of the Committee, whether regular or extraordinary, (notice of such extraordinary meeting having been duly given him, or left at his usual place of abode,) he shall forfeit and pay to the said Society Two Shillings and Sixpence for every such neglect, unless he is prevented by illness, or other inevitable accident, or is absent on a journey.

XXVI.

That the Committee, for the time being, at each of their meetings, shall appoint one of their own Members present to preside, for the
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the purpose of preserving and regulating the order of their debates, of taking the number of votes, and of signing all the minutes and resolutions thereof; and that all matters and things, to be transacted and done in all meetings of the Committee, shall be made, done, and determined by a majority of votes of the members present (except in certain cases, particularly specified herein, where a majority of four parts in five is required); and that the President shall always have the casting vote, in case the votes of the Members of the Committee present is, upon the division, equal in number.

XXVII.

That the Committee, for the time being, at every quarterly meeting, shall also choose and appoint four of their own Members, as Auditors, and two others as Assistants thereto; and that it shall be the business and practice of such Auditors, and Assistants, for the time being, to inspect, the accounts of the Secretaries, and all other accounts belonging to the said Society, and to report the same at the next quarterly meeting of the Committee.

XXVIII.

XXVIII.

That the Committee, for the time being, at every quarterly or other meeting, shall be allowed, from and out of the stock of the said Society, One Guinea, for the purpose of defraying all the expences attending such meeting. And the Secretaries are hereby directed to pay the said Guinea into the hands of the President, for that purpose, from and out of the monies in their hands, belonging to the said Society.

XXIX.

That all the lawful acts, covenants, contracts, and orders of the Committee, for the time being, shall charge and bind all and every the said parties to these presents, and all and every other person who shall become a Member or Members of the said Society, as their own proper act or acts.

XXX.

That the said WILLIAM BESLY REED and SAMUEL WHITCHURCH, parties hereto, and Secretaries to the said Society, in consideration of the profits, emoluments, and advantages, appointed to be paid to them, as aforesaid, and as herein-after contained, do engage, promise, and agree to provide, at their
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own proper cost and expence, a room or office suitable for the transactions and business of the said Society, in some convenient part of the city of Bristol; and that they, or one of them, will constantly attend there every day (Sundays excepted); and that they will, at their own proper cost and expence, provide, and therein keep, all such books as the Committee, for the time being, may or shall judge to be necessary, for containing all the accounts, and for all other purposes and transactions of the said Society; and that they will therein, in a fair and clerk-like hand, method, or manner, enter, or cause to be entered, the names and places of abode, and all other necessary circumstances and additions of the Members of the said Society, or of their Nominees. — And further, that they, or one of them, will, at all times, regularly attend the Committee, for the time being, at every of their meetings, and will there make and enter up the minutes of the proceedings of the Committee, and register their several resolutions and transactions in a book to be provided for that purpose. And also shall and will keep a regular, true, full, just, and clear account of all monies and securities

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for monies, had, received, paid, or in anywise belonging or appertaining to the said Society, and perform and do all other matters and things, for the benefit of the said Society, as far as their health and ability will permit. And that the said books shall all be kept at the aforesaid office; and that they shall be open for the examination and inspection of the Committee, or any of its Members, or any of the Members of the said Society, at all reasonable times whatsoever.— And further, that they will themselves sustain, bear, and defray, all necessary expenses attending the business and transactions of this Society, except such as relate to the purchase and transfer of Government Securities, of drawing or engrossing declarations of trust, postage of letters, and of such other allowances as are, by these presents, declared to be chargeable on the capital stock of the said Society.

XXXI.

That in case either of the said joint Secretaries shall happen to die during the continuance of the said Society, then the survivor of them shall be, and continue to be, sole Secretary thereof, with all the emoluments,
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profits, and advantages, and subject to all the conditions, agreements, and expences to which the joint Secretaries are, may, or shall be liable by these presents, or any thing herein contained. And further, in case such survivor shall happen to die, during his continuance in the said office, that it shall and may be lawful for the executor or administrator, or for the executors or administrators, of the said survivor, then, or at any other time whenever the said office of Secretary may or shall be vacant, to nominate and appoint a fit and proper person to fill the said office; and that the person so nominated and appointed, upon executing a deed to the Committee, for the time being, and acting in behalf of the whole of the said Society, whereby he shall undertake and engage to do, perform, and execute, sustain, bear, and defray, all conditions, agreements, and expences, and every other matter and thing appertaining to the said office of Secretary, that the said WILLIAM BESLY REED and SAMUEL WHITCHURCH hereby undertake and engage to perform, do, and execute, sustain, bear, and defray, shall then become entitled to hold

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and execute the said office of Secretary, for the remainder of the continuance of this Society, if he so long shall live; and shall be entitled to have, receive, retain, and enjoy all the emoluments, profits, and advantages thereunto, belonging, or in any wise appertaining; provided nevertheless, that in case there should appear, to the majority of the Committee, for the time being, any reasonable objection to the character or ability of any person so nominated and appointed, to execute the said office, it shall and may be lawful for them to refuse and reject such appointment; and in that case, the said executor or administrator, or executors or administrators, shall forthwith nominate two other persons, of reputable character and competent ability; one of whom the Committee, for the time being, shall make choice of and appoint to be Secretary, at their next meeting, in manner and form, and upon such conditions, and with such emoluments, as aforesaid, without any manner of objection or interruption whatever.

XXXII.

That each and every Member of the said Society, who shall enter his or her name, or pay their subscriptions, and transact their
business

business, with the said Secretaries, shall and will, at every time of paying his or her quarterly subscriptions, pay to the Secretaries Sixpence, for their own use, and no more, notwithstanding any number of shares for which such Member shall subscribe; and that this payment of Sixpence per quarter, to the Secretaries, shall further continue to be made during the six months hereinafter appointed and provided for the purpose of ascertaining all the claims on the said Society.

XXXIII.

That the Secretaries shall remit or pay, or cause to be paid, or deposited in the hands of the Treasurers of the said Society, all monies and securities for money, by them, or either of them, received on the account of the said Society, within twelve days after the receipt thereof. And that for the better security of such sums of money, as may at any time be and remain in the hands of the said joint Secretaries, they shall themselves enter into a bond or obligation, jointly and severally, in the penal sum of Two Thousand Pounds; and shall also provide a responsible surety or sureties, who shall enter into another bond or obligation, in the penal sum of

One Thousand Pounds, to be executed to the Trustees, herein appointed, in trust and confidence, and for the benefit and security of the said Society.

XXXIV.

That, for the convenience of persons, residing at a distance from the city of Bristol, who may be desirous of becoming Members of the said Society, the said joint Secretaries lawfully may, and they are hereby authorized and empowered to appoint, under their hands and seals, at any time or times, such or so many proper and suitable persons, to act as Agents for and on behalf of the said Society, in any town or place in Great-Britain, as they may judge to be most for the interest and advantage of the said Society; and that the said Agents, so appointed, shall have full liberty to admit all persons to become Members of the said Society, agreeable to the Second Article of this deed; and that they shall receive their subscriptions and fines, and shall grant them Certificates of admission, in the same manner as the Secretaries may or can lawfully do: And further, that at the expiration of the aforesaid term of seven years, every Agent, so appointed, shall receive the Certificates of the surviving Members, and
transf-

transmit the same free of expence, together with the proper testimonials, to the Committee, for the time being; and shall transact every other matter or thing necessary to the assistance of the said Committee, in the distribution of the capital stock, as hereinafter directed and appointed, to such surviving Members as are or may be admitted by any such Agent or Agents, or whose subscriptions they may or shall receive.

XXXV.

That, as a compensation for the trouble of such Agents, every person, who shall be admitted, by any Agent of the said Society, a Member thereof, shall, at the time of paying his or her quarterly subscriptions, and during six months after the last of them may or shall be due, always pay Three-pence per quarter for the Agent's own use; and shall also, during the said term, pay Three-pence more per quarter to the said Agent, for the use of the joint Secretaries.

XXXVI.

That every such Agent shall engage to and with the Secretaries, to keep just and true books of account, relating to the admission and subscription of Members, which shall be
open

open at all reasonable times, for the inspection of such Members; and to transmit the account of the names, and descriptions of all the persons he shall or may so admit, to become Members of the said Society, and of all subscriptions by him received, on the account of the said Society; and that he will remit or pay the monies, so received, to the said joint Secretaries, within three days after each day, appointed for the payment of the quarterly subscriptions, in every year, either in specie or in good Banker's notes, payable at sight, free of every expence whatever; or if such Agent should remit any bill or draft, payable after date, whereon any time is then unexpired, he shall allow lawful interest for the same; provided also, that the said Agent shall always be accountable for the regular and truepayment of all such drafts or bills, whether he happens to have indorsed them or otherwise.

XXXVII.

That if any such Agent shall neglect, or refuse to transmit to the Secretaries, a true and faithful account of the names of all such persons as shall or may have been by him admitted Members of the said Society, or of the subscriptions or fines so received by him,
for

for the account of this Society, and shall continue so to neglect or refuse, for the space of six weeks, from and after the days appointed, for the payment of the quarterly subscriptions, before mentioned, that then the Secretaries shall immediately revoke and annul the appointment of such Agent, and shall appoint some other Agent in his stead; and that they shall give due notice of such new appointment to the Members, who have been used to transact their business, relating to this Society with such Agent, in the public news-paper, which shall be published nearest to the place of the residence of such defaulting Agent.

XXXVIII.

That if any Member neglects, omits, or delays to pay, or cause to be paid, on or before the day appointed for making the quarterly payments into the hands of the Secretaries, or of one of the Agents of the Society, duly appointed as aforesaid, all such subscription monies, together with all such fines and forfeitures as are or may be then due, and owing, by virtue of this deed, or of any thing herein contained, then such Member shall forfeit to the said Secretaries or Agents Six-pence; which together with all such arrears, he or she shall

shall pay on or before the expiration of four weeks subsequent to the day aforesaid; or, in default thereof, such Member shall be excluded from all the interest, benefits, and advantages in the capital stock, or in the profits thereon, to which he might otherwise happen eventually to become entitled, provided that the Committee, for the time being, at their first meeting, after such second default, shall so determine and award: And provided also, that every such Member shall have been advised by the Secretaries or the Agent, by letter or otherwise, of such arrears, but not otherwise. And for every such notice the said Secretaries or Agent shall be entitled to receive Three-pence for their or his own use, and no more. And in case the Secretaries or Agent shall neglect to give to the Members, so in arrears, such notice in due time, they or he shall be fined for every such neglect at the discretion of the Committee, but not in any sum exceeding Two Shillings and Six-pence; which, together with the above fine of Six-pence, shall be added to the capital stock of the said Society.

XXXIX.

That if any Member, after such notice duly
given,

shall leave his subscription unpaid, by the space of six weeks, after the time stipulated for the payment of such subscription, then his certificate shall be void, and such default of payment shall be a forfeiture of all claims upon the said Society by such Member or his assigns. But if such Member, or his assigns, shall within three calendar months after the said day of payment, pay or cause to be paid to the Secretaries or Agent the said subscription, so behind, together with the additional sum of Five Shillings for the use of the said Society, and as a fine for such delay, then such certificate and right shall revive, continue in force, and be valid to all intents and purposes whatever.

XL.

That every person who shall be admitted a Member of the said Society, by any of its Agents, shall, by deed, empower the Secretaries, jointly or severally, to execute these presents for them, on their account and on their behalf.

XLI.

That it shall and may be lawful to and for the Committee, for the time being, and they are hereby empowered to require, at any time and at all times, of the aforesaid Treasurers to the said Society, that the said Treasurers

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surers shall and will lay out and invest, in the public stocks or funds of this kingdom, in the joint names of all the said Trustees, or of so many of them as shall or may be then living, so much of the monies of the said Society, then in the hands of the said Treasurers, as the said Committee shall or may determine to be for the interest and advantage of the said Society. Nevertheless, such monies, so laid out and invested, are hereby declared to be and shall be upon special trust and confidence, and only for the use and benefit of the said Society, and for the purposes hereinafter mentioned. And the aforesaid Treasurers do hereby covenant and agree, for themselves, their heirs, executors, and administrators, that they will, upon the requisition of the said Committee, lay out and invest such of the monies of the said Society then in their hands, in the joint names of all the said Trustees, or of as many of them as are or may be then living, in such manner, and at all such time or times, as the said Committee, for the time being, shall from time to time direct.

XLII.

That the said Trustees shall empower the said Treasurers to receive, from time to time, for the use and account of the said Society,
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all such dividends as may be due and payable upon such Government securities, as aforesaid; and that all monies, arising from such dividends, shall be and form a part of the capital stock of the said Society. And the said Trustees hereby jointly and severally, as well for themselves as for their executors and administrators, covenant, promise, and agree, that immediately after such monies are so laid out and invested, or as soon after as conveniently may be, they will execute a proper deed of trust, declaring the uses, purposes, trusts, and intents of such monies so laid out and invested, agreeable to the true intent, meaning, and design of these presents. And that they will deposit the said declaration, or declarations, in the hands of the aforesaid Treasurers, who are hereby empowered to receive and retain the same, for the account and on the behalf of the said Society, subject to the direction of the Committee, for the time being, or of four parts in five thereof.

XLIII.

That if it should happen at any time, during the continuance of the said Society, that the number of the aforesaid Trustees should, by death, be reduced to four, that then it shall and may be lawful to and for the Committee, for the time being, or the majority of four

parts in five thereof, and they are hereby directed and empowered to nominate, constitute and appoint, with the same powers, and under the same conditions, and in the place and stead of such of the said Trustees, as shall have departed this life, so many other reputable men of good character and credit, as shall complete the original number of Trustees to the said Society; and all such persons, as shall be so chosen Trustees, shall, when thereunto required by the said Committee, or the major part thereof, give and execute such covenants and declarations of trust as shall, by such Committee, be thought proper or necessary.

XLIV.

That in case any Member shall hereafter remove from the place where he or she resided, at the time of admission, such Member shall, at the time of making his or her next quarterly payment, notify such removal to the Secretaries or Agent by whom he or she was admitted, or in failure thereof shall forfeit Sixpence, to the use of the said Secretaries or Agent. And upon notice being so given, such Member may hereafter pay his or her quarterly subscriptions to any other Agent, of the said Society, that may be more convenient.

XLV.

XLV.

That in case any Member of the said Society, being at the time of her admission a *feme sole*, or woman unmarried, shall, during the continuance of the said Society, take husband and marry, she shall, on or before the day appointed for paying her next quarterly subscription, subsequent to such marriage, give notice thereof to the Secretaries or Agent, by whom she was admitted a Member, and have such marriage noted and indorsed on her certificate, and registered by the Secretaries or Agent, for which she shall pay One Shilling to the Secretaries or Agent, for their or his own use.

XLVI.

That such infants as are or may be admitted Members of the said Society, whose subscriptions are paid by their parent or parents, or guardian, or guardians, and who, at the time of sharing and distributing the capital stock of the said Society, being then living, shall not have completed their full age of twenty one years, or being females, have not married before attaining such age, such parent or parents, or guardian or guardians, shall be fully entitled to, and shall and may receive, on the behalf of such infant, the full proportion of the said capital stock to which
such

such infant may be entitled, upon the general distribution.

XLVII.

That if such parent or parents, or guardian or guardians, should happen to die before the distribution of the said capital stock, and the infant so admitted shall have either by himself, or herself, or by any other person for him or her continued to make regular payments, of his or her subscriptions, with all other payments, directed by this deed, then such infant shall be fully entitled to and receive his or her share, in the distribution of the capital stock, as aforesaid, upon giving the Committee a legal discharge.

XLVIII.

That it shall and may be lawful, during the continuance of the said Society, for any Member thereof to assign and transfer his or her share or shares, and right to and property in the capital stock of this Society, and in all the profits thereof, to any person or persons whatever, provided always that such assignment be indorsed on the certificate by such Member, and attested by one of the said joint Secretaries or Agent; and the Member, who shall so assign such interest, shall pay the said Secretaries or Agent One Shilling, for their or his own use. And the said assignee of such share

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or shares, regularly paying the quarterly subscription for such share or shares, and conforming in all things as a Member of the said Society, shall be fully entitled to all the benefits and advantages thereof. But be it remembered, and it is hereby expressly declared, that such assignee shall not be entitled to any share in the said capital stock, unless the assignor of such share (in case the certificate was granted upon his or her own life, or his or her nominee, agreeable to the tenth article herein contained) shall bona fide, be living at the full end and term of seven years from the date hereof.

XLIX.

That at the expiration of the full end and term of seven years, from the date hereof, the whole capital stock of the said Society, together with all the profits and accumulations thereof, after provision duly made for the payment of all charges and expences of the said Society, incurred in any manner whatever, by virtue of this deed, (save and except such as the Secretaries have hereby undertaken to bear and sustain) shall then be, and is hereby declared to be, the joint property of the Members of the said Society, who may be then living, or whose nominees, agreeable to the tenth article

article of this deed, may then be living, or of the assigns of such Members for such Members themselves, or their assigns, and their respective executors and administrators; and that it shall be fairly and justly divided, shared, parted, and distributed among them, as herein-after directed, in a fair and just proportion, to the number of shares each proprietor, as aforesaid, may or shall possess; (that is to say), each single share of a Member, then living, or of the assignee of such Member, shall be entitled to one equal part or share of the whole capital stock, and the profits thereof: Every such Member, having two shares, will be entitled to two equal parts or shares thereof; and so on, in proportion to the number of shares such proprietor shall or may then possess.

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That immediately after the expiration of the said term, the Committee, for the time being, together with the Secretaries, and with the assistance of the Agents, shall fairly, openly and honestly investigate the different claims of all the claimants upon the said Society; and upon reasonable and satisfactory proof being made to the said Committee, that the persons, upon whose lives the different certificates and shares were first issued or granted, were at the expiration

expiration of the aforesaid term of seven years, then living; and also if all the payments, directed by this deed, have been duly made; then, and in that case, the Committee, or any three of them, shall certify the same upon the certificate of such claimant.

LI.

That the Committee, in every case, where any reasonable doubt shall or may arise, with respect to the proof that shall or may be offered, that the person, upon whose life any such certificate, share, or shares, were first issued or granted, was living at the time aforesaid, may require, as a reasonable and satisfactory proof, a certificate of such person, being, or having then been living, under the hands of the Minister and Churchwardens, or of the Minister and Overseers, or of three reputable housekeepers, of the parish where such person then resided. And in case no reasonable or satisfactory proof be offered or given before the general distribution is made, the share or shares of such claimant shall not, nor shall such claimant, on account of such share or shares, be entitled to any part of the said capital stock, or the profits, or the distribution thereof.

LII.

That a further term of six calendar months, from and after the expiration of the aforesaid

term of seven years shall be allowed to the Committee, for the purposes of such investigation as aforesaid; and that they shall meet on every Monday during the said six months, at their usual place of assembling, for that purpose.

LIII.

That at the expiration of the said six months, when all the claims are fairly and fully examined and investigated, and the number of shares in the capital stock, and the profits and accumulations thereof, as aforesaid, are fully and clearly ascertained, the Committee for the time being, shall compute, calculate, and conclude the quota, proportion, or amount, to which each share is entitled, and the Secretaries shall register the same on the books of the said Society.

LIV.

That at the expiration of the aforesaid six months, the Committee, for the time being, or four parts in five thereof, may and shall, and are hereby required to execute, a proper and suitable instrument or deed for that purpose, directing and empowering the Trustees either to sell, or to empower the Treasurers to sell or dispose of, and turn into money, all the Government securities, in any of the public funds, which the said Trustees may then have

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or hold, in trust for the said Society, and that the said money or monies shall be paid into the hands of the Treasurers, and there, together with any other monies, that may happen to be in the hands of the said Treasurers, on account of the said Society, shall be, and continue to be, subject to the distribution hereinafter specified.

LV.

That after the sale of such securities, and the payment of the monies arising therefrom, into the hands of the Treasurers, the Committee shall meet every Monday, during the space of three months ensuing, or during such other time as may be necessary, at their usual place of meeting; and then and there upon each of the certificates of the Members of the said Society, three of the said Committee shall sign an order, which order shall be written and countersigned by the Secretaries, or by one of them, directing the Treasurers to pay to the proprietor thereof, or to his assigns, so much of the monies of the said Society as shall be due and owing, according as the share or number of shares, contained in such certificate, may or shall be; which certificate, together with a full and complete discharge thereon, shall after payment of the said monies, be left in the Treasurer's hands. And also, that upon the receipt of such order,
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for the payment of the said monies, so due, and owing, by virtue of such certificate, or of these presents, every such Member, or his or her executors, administrators, or assigns, shall if thereunto required, execute a full, general, and sufficient release to all and every the Treasurers, Trustees, Members of the Committees, Secretaries, Agents, and all other officers, and Members of the said Society, (conditioned upon the due payment, by the Treasurers of the monies, in such order so directed to be paid) of all and all manner of action and actions, cause and causes of action and actions, suits, debts, dues, sum and sums of money, accounts, reckonings, covenants, contracts, controversies, agreements, promises, claims, and demands whatever, in law and equity, which he or she, the said Member, or his or her executors, administrators, or assigns, can, shall, or may have against any of the Treasurers, Trustees, Members of the Committees, Secretaries, Agents, or other officers or Members of the said Society, for, upon, or by reason of any matter, cause, or thing whatsoever, in virtue of the said Society and joint undertaking, or of these presents, or of any clause, covenant, condition, or other matter or thing herein contained. And further, that the expences attending the

the said release, shall be provided for and defrayed from and out of the capital stock of the said Society

LVI.

That all monies specified, intended or expressed in these presents, or in any part thereof, are intended to be, and are to be understood, lawful money of Great-Britain.

LVII.

That all the Trustees, Treasurers and Members of the Committee, for the time being, of the said Society, and their respective heirs, executors and administrators, shall, from time to time, be well and sufficiently indemnified and saved harmless, by the Members of the said Society, parties to these presents, or otherwise out of the capital stock of the said Society, from and against all losses, charges, damages and expences whatever, which they, or any or either of them, shall or may be put unto, or sustain, by reason or means of their acting in their respective trusts or offices, or of the due execution thereof, according to the true intent and meaning of these presents; and that no one of them shall be chargeable for any of the acts or defaults of each other, but for their own respective acts, neglects, or defaults only.

LVIII.

LVIII.

That if any questions, disputes, or differences, shall, at any time or times hereafter, happen or arise between any of the Members of the said Society, or between any of their executors, administrators or assigns, and the Secretaries or any of the Agents thereof, touching or concerning any matter or thing relating to the subscriptions, fines, or forfeitures of such Member, or of his or her assigns, or any other matter or thing whatsoever, relating to the said Society: then, and in every such case, the parties in difference shall and will, from time to time, leave the matters in dispute between them, to be decided and determined by the majority of the Committee, for the time being, present at any of their meetings, whose award shall be final concerning the same.

LIX.

And if any other questions, disputes, or differences, shall, at any time or times hereafter happen to arise between the said parties to these presents, or their executors, administrators, or assigns, or any of them respectively, or such other persons as shall, at any time or times, hereafter become Members of the said Society, touching or concerning any matter or thing herein contained; or any matter or thing relating thereto, or to the management or executive trust of the said Society, hereby intended

tended to be established; then, and in every such case, the parties in difference shall, and will, from time to time, leave the matters in dispute between them, to be decided and determined by the opinion of his Majesty's Attorney General and Solicitor General for the time being, and the Senior of the King's Counsel, practising in his Majesty's Court of King's-Bench, for the time being, in manner following (that is to say:) A case containing all the facts and matters in controversy, shall be fairly stated in writing, and laid before such of them, the said Attorney and Solicitor General for the time being, and the Senior of the King's Counsel, practising in the Court of King's-Bench, and the opinion of the major part of them, in writing, shall be final in determining the same; and the contending parties shall respectively submit to the said opinion; and the person or persons, against whom the said decision or determination shall be made or given, shall pay, discharge and satisfy all fees, costs, charges, damages and expences, which shall have been occasioned by such disputes or differences, and by the means of deciding and determining the same in manner before-mentioned.

LX.

And lastly, that these presents, and every thing herein contained, whether the same be
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mentioned by way of covenant, agreement, undertaking, or by way of constitutions, laws, rules or ordinances, of and for the regulation of the said Society, shall be binding and obligatory in every respect, and to all intents and purposes, as well to all and every the said parties to these presents, as to and upon their respective heirs, executors, administrators and assigns, wherever they are expressly and specifically mentioned. And the said several parties hereto, for themselves, severally and respectively, and for their several and respective heirs, executors, and administrators, so far, and so far only, as the said heirs, executors and administrators are expressly and specifically mentioned herein, do and every of them doth hereby covenant, promise, and agree to and with the others of them, and to and with every of them, their and every of their executors, administrators and assigns, wherever they are expressly mentioned herein, that they the said several parties hereto, and every of them respectively, and their and every of their respective executors and administrators, so far as such executors and administrators are expressly mentioned herein, are and will accordingly be firmly held and bounden by these presents and by every thing herein contained, in manner above-mentioned, and according to the true intent, meaning, and construction hereof.

In Witness, &c.

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